

Members will be aware of APLA's ongoing campaign around the country against proposed limits on compensation in public liability matters. At the time of going to press, NSW was the only jurisdiction to have actually drafted 'tort reform' legislation, and this issue's Activate focuses on recent developments in that state.

On 16 May 2002, the Coalition for the Injured was launched at the New South Wales State Library. APLA is a member of the Coalition and is proud to be involved in this campaign with other member organisations including:

- Australian Consumers Association
- NSW Council for Civil Liberties
- Asbestos Diseases Foundation of Australia Inc
- Dare To Do Australia
- NSW Meals on Wheels
- Injuries Australia
- Older Women's Network
- National Centre for Citizenship & Volunteering NSW
- The National Council of Women of NSW
- Chiropractors' Association of NSW
- Australian Psychological Society
- People with Disabilities NSW Inc

The Coalition was formed to resist the introduction of the *Civil Liability Bill* 2002 (NSW). On 7 May 2002, the NSW Government released a consultation draft of the Bill which, if passed, will severely restrict the compensation entitlements of people injured due to another's negligence, and limit their access to legal representation.

The Coalition's motto is, "It could be you!" The role of the Coalition is to educate the community and the decision-makers that



Eva Scheerlinck is the APLA National Policy Manager **PHONE** 02 9698 1700
FAX 02 9698 1744
EMAIL escheerlinck@apla.com.au

injury can happen to all of us, that common law rights are important for everyone, and that any interference with established civil rights requires very careful consideration and should not be undertaken lightly.

The launch received some positive media coverage in the days following the event. Judie Stephens of Dare To Do Australia and her grandson, Jackson, received favourable and extensive coverage.

On the Monday following the launch, however, the Coalition was criticised as being a front for self-interested lawyers by the *Sydney Morning Herald*. One of the coalition members, Injuries Australia, was censured because two of its board members were lawyers.

The Coalition at that time had 14 members, APLA being the only legal-oriented body. The other members of the coalition could hardly be criticised as being affiliated with lawyers, controlled by lawyers, or influenced in any way by the legal profession. Coalition members have their own individual agendas, and are independent of one another, except in so far as each group is opposed to the introduction of the *Civil Liability Bill*.

Fault needed to be found with a group formed to fight the NSW Government and the insurance industry on tort reform. They picked on a small volunteer organisation that provides support services to injured people who have nowhere else to turn.

The *Sydney Morning Herald* article portrayed Injuries Australia as being a front for lawyers. We all know that lawyers sit on the boards of charities, sporting clubs and community organi-

sations, as do accountants, doctors and other professional members of the community.

Too often, organisations like Injuries Australia do not have adequate resources to run their activities and they rely on the assistance of others. Injuries Australia is one such organisation. In their case, a law firm provides resources for an inquiry line.

The attack on Injuries Australia appeared orchestrated to detract from the formation of the Coalition and is typical of the twists and turns in the campaign to retain individual civil rights. There is immediate suspicion of a group of organisations that join together for a common cause. In this case, a cause to stand up for the rights of the individual in opposition to insurance company profitability.

The influence of the media in this debate has been all-powerful. The media has influenced community perceptions about our legal system, the people who seek compensation for injuries, the lawyers who represent them, and the judges and juries who adjudicate the claims.

Meanwhile, the insurers who seek to avoid paying claims, and the governments who strip away individual rights in favour of limiting the liability of corporate Australia, continue about their business as if all is right with the world.

The world, however, is not right – it is topsy turvy and corporate Australia is sitting on top. The Government is facilitating their position, forgetting their duty is to represent the people of this country, not multi-national corporations who ultimately take their profits overseas. **PL**